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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JIMMY PEREZ AYON,

Defendant.

CASE NO. 2:22-CR-00176-TLN

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
FINDINGS AND ORDER

DATE: October 5, 2023
TIME: 9:30 a.m.
COURT: Hon. Troy L. Nunley

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on October 5, 2023.
2. By this stipulation, defendant now moves to continue the status conference until January 18, 2024, at 9:30 a.m. and to exclude time between October 5, 2023, and January 18, 2024, under Local Code T4.
3. The parties agree and stipulate, and request that the Court find the following:
 - a) The government has represented that the discovery associated with this case includes approximately 3,380 pages of documents, including investigative reports, text messages, transcripts of recorded communications, and other materials, as well as multiple undercover

1 video and audio recordings. All of this discovery has been either produced directly to counsel
2 and/or made available for inspection and copying.

3 b) Counsel for defendant desires additional time to review this discovery, to conduct
4 factual investigation, to evaluate potential responses to the charges, to confer with his client, and
5 to otherwise prepare for trial.

6 c) Counsel for defendant believes that failure to grant the above-requested
7 continuance would deny him the reasonable time necessary for effective preparation, taking into
8 account the exercise of due diligence.

9 d) The government does not object to the continuance.

10 e) Based on the above-stated findings, the ends of justice served by continuing the
11 case as requested outweigh the interest of the public and the defendant in a trial within the
12 original date prescribed by the Speedy Trial Act.

13 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
14 et seq., within which trial must commence, the time period of October 5, 2023 to January 18,
15 2024, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code
16 T4] because it results from a continuance granted by the Court at defendant's request on the basis
17 of the Court's finding that the ends of justice served by taking such action outweigh the best
18 interest of the public and the defendant in a speedy trial.

19 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
20 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
21 must commence.

22 IT IS SO STIPULATED.

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24 Dated: September 28, 2023

PHILLIP A. TALBERT
United States Attorney

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27 /s/ DAVID W. SPENCER
DAVID W. SPENCER
Assistant United States Attorney
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1 Dated: September 28, 2023

/s/ MICHAEL D. LONG

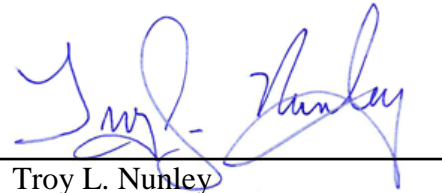
MICHAEL D. LONG

Counsel for Defendant

JIMMY PEREZ AYON

6 **ORDER**

7 IT IS SO FOUND AND ORDERED this 29th day of September, 2023.

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11 Troy L. Nunley
12 United States District Judge
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